

Article 7: Elections, Campaign Finance and Lobbying

Division 6: Ballots for Candidates

(“*Ballots for Candidates*” renumbered from Division 22
and retitled on 7-26-1999 by O-18664 N.S.)

§27.0601 Purpose and Intent

The purpose and intent of this division is to provide guidance to *candidates* for *elective office* in the City of San Diego, to provide uniform procedures to better ensure a fair and impartial administration of these requirements, and in order that an informed *voter* may intelligently elect officeholders.

(“*Purpose and Intent*” added 7-26-1999 by O-18664 N.S.)

§27.0602 Use of Title or Degree Prohibited

A *candidate's* title or degree shall not appear on the same line on the ballot as a *candidate's* name, either before or after the *candidate's* name for any *elective office*.

(“*Use of Title or Degree Prohibited*” added 7-26-1999 by O-18664 N.S.)

§27.0603 Designation of Principal Profession or Occupation

- (a) The *candidate's* designation of principal profession, vocation or occupation constitutes *ballot materials* within the meaning of Section 27.0103.
- (b) If a *candidate* desires his or her principal profession, vocation or occupation to be printed on the ballot, the *candidate* shall file with the City *Clerk*, a statement indicating his or her designation of principal profession, vocation or occupation. Except as provided in Section 27.0603(c)(2), the designation shall not be more than four words. Such statement shall be filed on a form provided by the City *Clerk* and shall contain a declaration by the *candidate* of the truth thereof. The statement shall be signed under California perjury laws, and shall be filed at the same time as the nomination papers.
- (c) The designation may be only one of the following:
 - (1) The *candidate* may designate his or her principal profession, vocation or occupation during the calendar year immediately preceding the filing of nomination papers.

- (2) The *candidate* may use words designating the same city, county, district, state or federal office the *candidate* holds at the time of filing nomination papers, if the *candidate* has been elected to that public office, or elected or appointed to that judgeship. There shall be no word count limitation applicable to ballot designations submitted pursuant to Section 27.0603(c)(2).
- (3) The *candidate* may use the word “Incumbent” if the *candidate* is a *candidate* for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office.
- (4) The *candidate* may use the phrase “Appointed Incumbent,” “Appointed Mayor,” or “Appointed City Attorney” if the *candidate* has been appointed to fill a vacancy in the office of Mayor or City Attorney, and is seeking to be elected to that office at the next *election*. The *candidate* may not use the unmodified word “incumbent” or any words designating the office unmodified by the word “appointed.”

(Renumbered from Sec. 27.2201, retitled to “Designation of Principal Profession or Occupation” and amended 7-26-1999 by O-18664 N.S.)

§27.0604 Administrative Guidelines for the Designation of Principal Profession, Vocation or Occupation

The designation of principal profession, vocation or occupation submitted in accordance with this division shall also be subject to the City *Clerk’s* Administrative Guidelines for the Designation of Principal Profession, Vocation or Occupation. The City *Clerk’s* Administrative Guidelines shall be based on the Secretary of State’s Ballot Designation Regulations, title 2, Sections 20710-20719 of the California Code of Regulations, as modified for use in the City of San Diego.

(“Administrative Guidelines for the Designation of Principal Profession, Vocation or Occupation” added 7-26-1999 by O-18664 N.S.)

§27.0605 Word Usage in Designation of Principal Profession, Vocation or Occupation

The designation of principal profession, vocation or occupation shall not contain words such that any of the following would be true:

- (a) The designation would mislead the *voter*.
- (b) The designation would suggest an evaluation of a *candidate*, such as “outstanding,” “leading,” “expert,” “virtuous,” or “eminent.”

- (c) The designation abbreviates the word “retired,” or places the word “retired” following any word or words which it modifies.
- (d) The designation uses a word or prefix, such as “former” or “ex-,” which means a prior status.
- (e) The designation uses the name of any political party, whether or not that party has qualified for the ballot.
- (f) The designation uses a word or words referring to a racial, religious, or ethnic group.
- (g) The designation refers to any activity prohibited by law.
(“*Word Usage in Designation of Principal Profession, Vocation or Occupation*” added 7-26-1999 by O-18664 N.S.)

§27.0606 Notification to Candidate if Designation Violates Restrictions

The City *Clerk* has no duty to verify the designation of principal profession, vocation or occupation. If, however, after reviewing the nomination papers, the City *Clerk* finds the designation to be in violation of any of the restrictions set forth in Sections 27.0603, 27.0604 or 27.0605, the City *Clerk* shall notify the *candidate*.

- (a) The *candidate* shall, within three business days from the date of such notice, provide additional information to support the designation, if requested by the City *Clerk*, or provide an alternate designation to the City *Clerk*.
- (b) In the event the *candidate* fails to provide the additional information or an alternate designation, no designation shall appear after the *candidate*’s name on the ballot.

(“*Notification to Candidate if Designation Violates Restrictions*” added 7-26-1999 by O-18664 N.S.)

§27.0607 Changing Designation of Principal Profession, Vocation or Occupation

A *candidate* may not change his or her designation of principal profession, vocation or occupation after the final date for filing nomination papers, except as specifically requested by the City *Clerk* as specified in Section 27.0606 or as provided for in Section 27.0608.

(“*Changing Designation of Principal Profession, Vocation or Occupation*” added 7-26-1999 by O-18664 N.S.)

§27.0608 Designation to Remain the Same

- (a) The designation of principal profession, vocation or occupation shall remain the same for all purposes of the *District* or *City-wide Primary Election* and *District* or *City-wide General Election*, unless the *candidate*, at least ninety-eight calendar days prior to the *District* or *City-wide General Election*, requests in writing a different designation which the *candidate* is entitled to use at the time of the request.
- (b) In the case of a *special election* called to fill a vacated *elective office*, the designation of principal profession, vocation or occupation shall remain the same for all purposes of the *special election* and the special run-off election, unless the *candidate*, at least forty-six calendar days prior to the special run-off election, requests in writing a different designation which the *candidate* is entitled to use at the time of the request.

(Retitled from “*Designation to Remain the Same for Primary and General Election*” and amended 9-10-2001 by O-18979 N.S.)

§27.0620 Statement of Candidates’ Qualifications

- (a) The *candidate’s* statement of qualifications constitutes *ballot materials* within the meaning of Section 27.0103.
- (b) *Candidates* for *elective office* may prepare a statement of qualifications on a form provided by the City *Clerk*. Such statement may include the name, age, occupation and education of the *candidate* and a brief description of the *candidate’s* qualifications expressed by the *candidate* and limited to matters concerning only the *candidate*.
- (c) The statement may include quotations. A quotation from an individual included in the statement must be authorized in writing by the individual. A quotation from an organization included in the statement must be authorized in writing by the organization. The consent of an organization shall be signed by an officer or other duly authorized representative of the organization. If a quotation is from a publication, a copy of the publication may be provided instead of a letter. Such authorization must be filed at the same time as the statement of qualifications, or the quotation will not be permitted in the statement.
- (d) The statement may include the names of family members. The name of any other individual included in the statement must be authorized in writing by the

individual. The name of an organization, included in the statement as an endorsement, must be authorized in writing by the organization. The consent of an organization shall be signed by an officer or other duly authorized representative of the organization. Such authorization must be filed at the same time as the statement of qualifications or the name will not be permitted in the statement. An organizational reference used as part of the candidate's biographical information is permitted without authorization from the organization.

- (e) The statement shall not exceed 200 words in length. Printed material on the statement shall be of uniform type size. Boldface type or underscoring may be used for emphasis. The statement shall be filed in the Office of the City Clerk at the following times:
 - (1) When nomination papers are returned for filing by *candidates* whose names will appear on the ballot for a *District* or *City-wide Primary Election*, and
 - (2) Ninety-eight calendar days before the *District* or *City-wide General Election* for *candidates* whose names will appear on the ballot for a *District* or *City-wide General Election*.
 - (3) Three business days following the primary *election* if a run-off *election* is required pursuant to Section 27.0906 of this article.
- (Amended 9-10-2001 by O-18979 N.S.)

§27.0621 Certain Content Prohibited in Statement of Qualifications

- (a) The statement of qualifications shall not refer, either directly by name, or indirectly by title or description to any other *candidate* or officeholder or to any other *candidate's* or officeholder's qualifications, character or activities, unless such reference is authorized pursuant to Section 27.0620(d).
- (b) The statement of qualifications shall not refer, either directly by name, or indirectly by title or description to any City employee or to a City employee's character or activities unless such reference is authorized pursuant to Section 27.0620(d).
- (c) The statement of qualifications shall not include the party affiliation of the *candidate* or membership or activity in partisan political organizations.

- (d) The statement of qualifications shall not contain language which is prohibited by law to be sent through the mail.
 - (e) The statement of qualifications shall not contain matter that is unrelated to the *candidate*.
 - (f) The statement of qualifications shall not contain obscene, vulgar, profane, scandalous, libelous or defamatory matter or language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward any individual or group of individuals by reason of race, color, religion or manner of worship.
- (Amended 9-10-2001 by O-18979 N.S.)

§27.0622 Notification to Candidate if Statement of Qualifications Violates Restrictions

- (a) The *City Clerk* has no duty to verify the statement of qualifications. If, however, after reviewing the nomination papers, the *City Clerk* finds a portion of the statement of qualifications to be in violation of any of the restrictions set forth in Section 27.0620 or Section 27.0621, the *City Clerk* shall notify the *candidate*.
 - (b) The *candidate* may, within three business days from the date of such notice, provide an alternate statement to the *City Clerk*.
 - (c) In the event the *candidate* fails to provide alternate language, the statement of qualifications shall appear in the *voter pamphlet* as amended by the *City Clerk* to delete those portions of the statement that are in violation.
- (“Notification to Candidate if Statement of Qualifications Violates Restrictions” added 7-26-1999 by O-18664 N.S.)

§27.0623 Statement of Qualifications May be Withdrawn

- (a) The statement of qualifications may be withdrawn but not changed during the period for filing the nomination papers and until 5 p.m. of the next business day after the close of the nomination period or during other prescribed filing periods and until 5 p.m. of the next business day after the close of such period.
 - (b) Statements received by the *City Clerk* shall be kept confidential until the expiration of the filing period.
- (“Statement of Qualifications May be Withdrawn” added 7-26-1999 by O-18664 N.S.)

§27.0624 Candidate's Photograph

If the *candidate* desires to have his or her photograph appear with the statement of qualifications, the *candidate* shall submit a glossy photographic print, preferably 8 by 10 inches in size, or no smaller than 5 by 7 inches in size. Only the head and shoulders portion of the photograph shall be reproduced on the statement; other images appearing in the photograph submitted shall be excluded by cropping. All photographs in the *voter pamphlet* containing *candidates'* statements of qualifications shall be as nearly uniform in size as possible, except for size reductions necessitated by a *candidate's* format for his or her statement of qualifications.

(Amended 7-18-2000 by O-18826 N.S.)

§27.0625 Clerk's Duty to Send Voter Pamphlet

The City *Clerk* shall send to each *voter*, together with the sample ballot, a *voter pamphlet* which contains the written statements of *candidates'* qualifications and photographs that are prepared pursuant to this division.

(“Clerk's Duty to Send Voter Pamphlet” added 7-26-1999 by O-18664 N.S.)

§27.0626 Liability for False Statement of Qualifications

Nothing contained in these sections shall be deemed to make any statement of qualifications or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the *voter pamphlet*.

(“Liability for False Statement of Qualifications” added 7-26-1999 by O-18664 N.S.)

§27.0627 Candidate's Statement of Qualifications to Be Provided at No Cost

The statement of *candidate's* qualifications and photograph shall be provided by the City at no cost to *candidates* for City *elective offices* whose names shall appear on the ballot of the *District* or *City-wide Primary Election*, or the *District* or *City-wide General Election*.

(“Candidate's Statement of Qualifications to Be Provided at No Cost” added 7-26-1999 by O-18664 N.S.)

§27.0628 No Statement of Qualifications for Write-In Candidates

No statement of qualifications for write-in *candidates* shall be included in the *voter pamphlet*.

(“*No Statement of Qualifications for Write-In Candidates*” added 7-26-1999 by O-18664 N.S.)

§27.0634 Listing of Candidates on Ballots

Names of *candidates* as they shall be listed on ballots shall be determined in the following manner:

(a) At the *City-Wide Primary Election* and the *City-wide General Election* of the Mayor or City Attorney, or at any *City-wide special election*, the order of the names of *candidates* shall be rotated by *Council District* so that the first name listed on the ballot in District 1 shall be second in District 2 and the name listed last in District 1 shall be listed first in District 2 and then be second in District 3 and so on through all the districts. The order of the names as they shall be listed in District 1 shall be determined by the *City Clerk* by lot.

(b) At any *District Primary Election* or any *District General Election* for *Council Office*, the order of names of *candidates* as they shall appear on the ballot shall be determined by the *City Clerk* by lot.

(“*Listing of Candidates on Ballots*” renumbered from *Sec. 27.2204.1* and amended 7-26-1999 by O-18664 N.S.)

§27.0635 Disqualification of Candidates between Primary and General Election

If a *candidate* whose name would appear on the ballot for any *District* or *City-wide General Election* or *special election* dies, withdraws or is disqualified, and if proof is presented to the *City Clerk* prior to the time the ballots for the *District* or *City-wide General Election* or *special election* are printed, the individual who received the next highest number of votes of those who were *candidates* for such office in the *District* or *City-wide Primary Election*, shall be deemed a *candidate*, and his or her name shall be printed on the ballot for use at the *District* or *City-wide General Election* or *special election*.

(“*Disqualification of Candidates between Primary and General Election*” added 7-26-1999 by O-18664 N.S.)

§27.0636 Counting of Write-In Votes

Write-in *candidates* are permitted only in *District Primary Elections*, *City-wide Primary Elections*, *primary special elections*, and *recall elections*. Any name written upon a ballot, including a reasonable facsimile of the spelling of such name, shall be counted for the office for which it was written, if it is written in the blank space provided therefor, unless prohibited by the provisions of section 27.0637 of this article

(“*Counting of Write-In Votes*” renumbered from Sec. 27.2205 and amended 7-26-1999 by O-18664 N.S.)

(Amended 9-6-2005 by O-19407 N.S.)

§27.0637 Qualification for Write-In Candidacy Required

A write-in *candidate*’s name written upon a ballot in any *election* shall be counted only if a declaration of write-in candidacy, nomination papers, and filing fee or signatures in-lieu of the filing fee have been filed in the Office of the City Clerk during the filing period for write-in *candidates*.

(Renumbered from Sec. 27.2205.1, retitled to “*Qualification for Write-In Candidacy Required*” and amended 7-26-1999 by O-18664 N.S.)

§27.0638 Examination Period for Ballot Materials

There shall be a public examination period for all *ballot materials* filed with the City Clerk for any *candidate election* pursuant to this division. The examination period shall conform to the provisions of Sections 27.0402 and 27.0403 of this article.

(“*Examination Period for Ballot Materials*” added 7-26-1999 by O-18664 N.S.)